



PATENT
Attorney Docket No. FORS-06612

#14
1-31-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James E. Dahlberg *et al.*
Serial No.: 09/940,925
Filed: August 28, 2001
Entitled: **RAPID DETECTION AND IDENTIFICATION OF PATHOGENS**
Group No.: 1636
Examiner: W. O. Sandals

**RESPONSE TO THE OFFICE ACTION MAILED
DECEMBER 24, 2002**

Assistant Commissioner for Patents
Washington, D.C. 20231

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CERTIFICATE UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: January 23, 2003

By:

Mary Ellen Waite
Mary Ellen Waite

Sir or Madam:

The following communication is in response to the Office Action mailed December 24, 2002, in the above-referenced application. Applicants believe that the response is timely filed, within the one month period, such that no fee is due.



PATENT

Attorney Docket No. FORS-06612

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James E. Dahlberg *et al.*
Serial No.: 09/940,925
Filed: 08/28/01
Entitled: Detection Of Target Sequences By Cleavage Of Non-Target Nucleic Acids

Group No: 1636
Examiner: W.O. Sandals

AMENDMENT TRANSMITTAL

BOX NON FEE AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)	
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
Dated: <u>January 23, 2003</u>	By: <u>Mary Ellen Waite</u> Mary Ellen Waite

Sir or Madam:

Transmitted herewith is an amendment for this application. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDITIONAL FEE
Total Claims	24	—	24	0	×	18.00	\$0.00
Independent Claims	1	—	3	0	×	84.00	\$0.00

TOTAL DUE 0.00

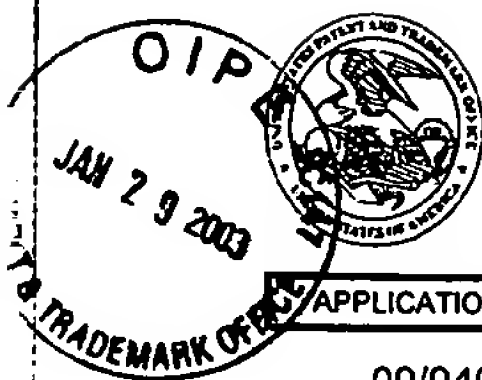
1. No additional fee is required.
2. Please charge any additional fees, including any fees necessary for extensions of time, or credit overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: January 23, 2003By: David A. Casimir

David A. Casimir
Registration No. 42,395

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608/218-6900

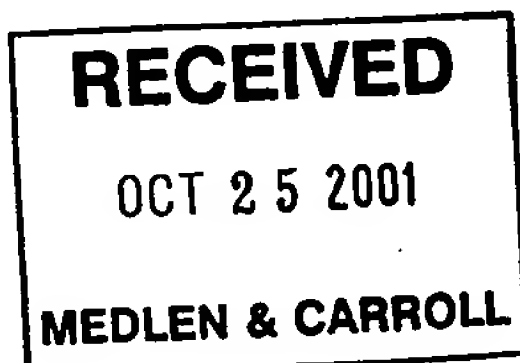
6616



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/940,925	08/28/2001	1636	746	FORS-06612	110	59	4

 MEDLEN & CARROLL, LLP
 Suite 350
 101 Howard Street
 San Francisco, CA 94105


CONFIRMATION NO. 6817

FILING RECEIPT



000000006951637

Date Mailed: 10/22/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

 James E. Dahlberg, Madison, WI;
 Mary Ann D. Brow, Madison, WI;
 Victor I. Lyamichev, Madison, WI;

 PRIOR ART STATEMENT DUE 3 MONTHS 11/28/01
 FOREIGN FILING LETTER DUE
 9 MONTHS UTILITY / 3 MONTHS DESIGN 5/28/02
 FOREIGN FILING DEADLINE
 12 MONTHS UTILITY / 6 MONTHS DESIGN 8/28/02
 TWENTY-ONE MONTHS SUSPENSE DATE 5/28/03
 RLO

Domestic Priority data as claimed by applicant

 THIS APPLICATION IS A DIV OF 09/655,378 09/05/2000
 WHICH IS A CON OF 08/520,946 08/30/1995
 WHICH IS A CIP OF 08/484,956 06/07/1995 PAT 5,843,654
 WHICH IS A CIP OF 08/402,601 03/09/1995 ABN
 AND SAID 09/655,378 09/05/2000
 IS A CON OF 08/802,233 02/19/1997 PAT 5,888,780
 WHICH IS A CIP OF 08/337,164 11/09/1994 ABN
 AND SAID 09/655,378 09/05/2000
 IS A CON OF 08/789,079 02/06/1997 PAT 5,719,028
 WHICH IS A CIP OF 08/254,359 06/06/1994 PAT 5,614,402
 WHICH IS A CIP OF 08/073,384 06/04/1993 PAT 5,541,311
 WHICH IS A CIP OF 07/986,330 12/07/1992 PAT 5,422,253

Foreign Applications

If Required, Foreign Filing License Granted 10/22/2001

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****



Detection of target sequences by cleavage of non-target nucleic acids

International Class

435

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



PATENT
Attorney Docket No. FORS-06612

#151B
1-31-03
(B)
(NE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Mary Ann D. Brow *et al.*

Serial No.:

Group No.: 1636

Filed:

Examiner: W. Sandals

Entitled:

**Rapid Detection And
Identification Of Pathogens**

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service on this date August 28, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL 790816730 US addressed to: **Box Patent Application**, Assistant Commissioner For Patents, Washington, D.C. 20231.


Susan M. McClintock

Sir/Madam:

The following communication is responsive to the Restriction Requirement in the Office Action mailed August 15, 2001 for patent application serial number 09/655,378. In the restriction requirement, the Examiner restricted the claims into four groups: Group I, Claims 45-70; Group II, Claims 71-94; Group III, Claims 95-108; and Group IV, Claims 109-123. Applicants elected Group I for prosecution with patent application serial number 09/655,378. The present Divisional Application is directed to the claims in Group II (*i.e.*, Claims 71-94).

IN THE TITLE OF THE INVENTION

Please substitute the title "**DETECTION OF TARGET SEQUENCES BY
CLEAVAGE OF NON-TARGET NUCLEIC ACIDS**" for the currently pending title.

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